

MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA v. TWILA JO DAVIS
THE HONORABLE PHILIP M. PALLEMBERG CASE NO. 1:05-cr-00004-03-HRH
Deputy Clerk Official Recorder
Pam Richter

APPEARANCES: for PLAINTIFF: ----
for DEFENDANT: ----

PROCEEDINGS: **ORDER FROM CHAMBERS**

Date: September 13, 2007

This case is before the court on the defendant's motion to vacate her sentence under 28 USC §2255. At a hearing on July 26, 2007, the court gave defense counsel until August 3, 2007, to file her amended petition and motion for evidentiary hearing. Those documents were then timely filed at docket numbers 314 and 315, respectively.

Unfortunately, the clerk's log note from the July 26, 2007, hearing erroneously stated that the defendant orally moved at that time for an evidentiary hearing and that the court granted this motion. In fact, the court directed the defendant to make such a request in writing by August 3. Based, it would appear, on this inaccurate docket note, the government's response to the amended petition (docket 319) did not respond to the motion for evidentiary hearing but simply repeated the incorrect statement in the clerk's minute that the court had already granted an evidentiary hearing.

Because the government was likely misled by the clerical error into not responding to the defendant's motion for evidentiary hearing, the court believes it is appropriate to allow the government a brief additional period of time to file any opposition it may have to the scheduling of an evidentiary hearing. Any such opposition shall be filed by 12:00 noon on Tuesday, September 18, 2007.

In its response, the government shall also indicate if it has any objection to the hearing being held in Anchorage.

The defendant shall have until the close of business on Thursday, September 20, 2007, to file any reply to the government's opposition, and to indicate whether she has any objection to an evidentiary hearing being held in Anchorage.

[FORMS*IA*]

By this order, the minute entry from the July 26 hearing (docket 308) is amended to delete any reference to an oral motion for evidentiary hearing and instead to reflect that the court allowed the defendant until August 3 to file such a motion.